

REFERENCE TITLE: **workers' compensation; controlled substances.**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HB 2200**

Introduced by  
Representatives McLain: Jones, Reagan

**AN ACT**

**AMENDING TITLE 23, CHAPTER 6, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-1062.02; RELATING TO WORKERS' COMPENSATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 23, chapter 6, article 9, Arizona Revised Statutes,  
3 is amended by adding section 23-1062.02, to read:  
4 23-1062.02. Off-label prescription of controlled substances;  
5 prescription of schedule II controlled  
6 substances; reports; treatment plans; definition  
7 A. THE OFF-LABEL USE OF A NARCOTIC OR OPIUM BASED CONTROLLED SUBSTANCE  
8 OR THE PRESCRIPTION OF A SCHEDULE II CONTROLLED SUBSTANCE THAT IS  
9 INCONSISTENT WITH UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED  
10 LABELING FOR INDICATIONS AND USAGE IS SUBJECT TO APPROVAL BY THE CARRIER,  
11 EMPLOYER OR CLAIMS PROCESSING REPRESENTATIVE. THE PHYSICIAN SHALL SUBMIT A  
12 REPORT THAT STATES THE JUSTIFICATION FOR USE OF THE CONTROLLED SUBSTANCE AND  
13 A TREATMENT PLAN THAT INCLUDES A DESCRIPTION OF MEASURES THAT THE PHYSICIAN  
14 WILL IMPLEMENT TO MONITOR AND PREVENT THE DEVELOPMENT OF ABUSE, DEPENDENCE,  
15 ADDICTION OR DIVERSION BY THE EMPLOYEE. THE TREATMENT PLAN SHALL INCLUDE A  
16 MEDICATION CONTRACT, A PLAN FOR SUBSEQUENT FOLLOW-UP VISITS, DOCUMENTATION  
17 THAT THE MEDICATION REGIME IS PROVIDING RELIEF THAT IS DEMONSTRATED BY  
18 IMPROVED FUNCTION AND A PLAN FOR URINE DRUG TESTING.  
19 B. EVERY THIRTY DAYS, THE CARRIER, EMPLOYER OR CLAIMS PROCESSING  
20 REPRESENTATIVE MAY REQUIRE AN UPDATED REPORT FROM THE PHYSICIAN REGARDING THE  
21 CONTINUED USE OF THE CONTROLLED SUBSTANCE DESCRIBED IN SUBSECTION A. IF THE  
22 PHYSICIAN DOES NOT COMPLY WITH THIS SECTION, THE CARRIER OR SELF-INSURED  
23 EMPLOYER IS NOT RESPONSIBLE FOR PAYMENT FOR THE MEDICATION. ON CLOSURE OF A  
24 CLAIM FOR TEMPORARY DISABILITY, A CARRIER OR SELF-INSURED EMPLOYER IS NOT  
25 RESPONSIBLE FOR THE PAYMENT FOR THE CONTROLLED SUBSTANCE DESCRIBED IN  
26 SUBSECTION A FOR A PERIOD OF MORE THAN ONE YEAR.  
27 C. FOR THE PURPOSES OF THIS SECTION, "OFF-LABEL USE" MEANS USE OF A  
28 PRESCRIPTION MEDICATION BY A PHYSICIAN TO TREAT A CONDITION OTHER THAN THE  
29 USE FOR WHICH THE DRUG WAS APPROVED BY THE UNITED STATES FOOD AND DRUG  
30 ADMINISTRATION.